

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,

Vs.

Criminal Case No. 00-035 (JAF)

EDUARDO CRUZ RIVERA
Defendant

MOTION REQUESTING CONSOLIDATION OF HEARINGS

COMES NOW Eduardo Cruz-Rivera, and through the undersigned attorney, respectfully alleges and prays:

- 1) Mr. Cruz-Rivera is currently under revocation proceedings in the instance case for allegedly committing a new offense. Said new offense is the case no. 06-027 (JAG).
- 2) We have filed a suppression motion in the pending case because we have testimony and evidence that the police agents who intervened with Mr. Eduardo Cruz-Rivera lied about the intervention with Mr. Cruz-Rivera.
- 3) If said evidence is suppressed, Mr. Cruz-Rivera supervised release should not be revoked as there are circumstances that point that Mr. Cruz-Rivera was the object of an illegal stop, as well as an illegal search and seizure. Furthermore, the chain of evidence was lost as there are irregularities in the administrative search conducted by the authorities.
- 4) It will be very difficult to litigate said suppression motion before the scheduled revocation hearing. The government has not provided the administrative search forms or the prosecutor's confiscation order. Thus, we are unable to litigate the suppression motion, or at the very least will be in a position to raise the issue

that the government is hiding pertinent and "ordinary course of business" evidence.

- 5) In order to expedite matters administratively, without compromising Mr. Cruz-Rivera's due process rights, we respectfully request that the Court permits us to consolidate the case at bar with the pending case of US v. Eduardo Cruz-Rivera, 06-027(JAG).

WHEREFORE it is respectfully requested from this Court to grant the present motion and consolidate the revocation hearing set for May 11, 2006 with the pending case and suppression hearing on case no. 06-027 (JAG).

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this May 8, 2005.

CERTIFICATE OF SERVICE: I hereby certify that on May 8th, 2006, I electronically filed the foregoing with the Clerk of the Court, using the CM/ ECF system which will send automatic notification of such filing to: AUSA Nathan J. Shulte, and all attorneys of record.

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